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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[25 March 1996]

1. Among the many countries monitored by Human Rights Watch and the numerous issues that have been the focus of our attention during the past year, we believe that the human rights situation in the following countries requires that the Commission adopt particularly urgent and specific measures. We discuss them in this statement and respectfully urge you to take these steps.

Colombia

2. The human rights situation in Colombia remained a grave concern during 1995. More than 10 persons have been killed for political or ideological reasons every day on average since 1988 up to the present. Six of these are executed extrajudicially and another three die as a result of military actions within the context of the internal armed conflict. Every three days a person is disappeared. Additionally, every three days a person is assassinated due to the violence against marginal sectors of society (inappropriately called "social cleansing"). Almost 30,000 people have died as a result of all these causes from 1988. At the same time, impunity for

members of the security forces implicated in human rights crimes continues. Twice in 1995, the Government used state of emergency declarations to suspend fundamental rights, intensifying the climate of fear of the authorities. Paramilitary groups expanded their areas of operation in 1995 and appeared to be mounting a nationally coordinated offensive against Colombians deemed sympathetic to armed guerrillas. These groups operate with the tolerance, and in some cases assistance, of the security forces.

3. Because of the extreme gravity of the situation, Human Rights Watch urges the appointment under item 10 of the Commission's agenda of a special rapporteur for Colombia. The Commission would thus adopt the recommendation presented by the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the question of torture who called for the designation "of a special rapporteur who could ensure permanent monitoring of and reporting on the human rights situation" in their joint report on Colombia to the Commission at its fifty-first session. Some 50 Colombian NGOs signed a petition in January calling for the appointment of a special rapporteur.

4. The oversight of the United Nations has been fundamental in supporting efforts within Colombia to overcome a persistently alarming human rights situation. None the less, the continuing high level of violent human rights abuse makes an intensification of United Nations scrutiny indispensable. A special rapporteur of the Commission on Human Rights could closely monitor Colombia's overall human rights situation, as well as supervise the implementation of the recommendations made by United Nations experts after visits to Colombia in 1988, 1989, 1992, and 1994. Human Rights Watch/Americas joins Colombian NGOs in expressing our deep concern over the fact that the Government of Colombia has yet to comply substantially with these recommendations, nor has it provided these United Nations organs with information requested concerning compliance.

Nigeria

5. Human Rights Watch is extremely concerned at the continuing crisis in Nigeria. The military regime, led by Gen. Sani Abacha, has, in the more than two years since it seized power, consistently violated the human rights of the Nigerian people. Numerous human rights and pro-democracy advocates have been detained or imprisoned; press freedom has been restricted; trade union activity has been curtailed, and the powers of the judiciary have been severely circumscribed. The execution of minority rights activist Ken Saro-Wiwa and eight other members of the Movement for the Survival of the Ogoni People on 10 November 1995, following a trial before a special tribunal that fell far short of international standards of due process, merely confirmed the Government's contempt for the rule of law and defiance of domestic and international opinion.

6. Since the execution of Saro-Wiwa and his colleagues, the Government of Nigeria has continued its repression of internal dissent. A number of prominent individuals have been detained in 1996, including Milton Dabibi, general secretary of the oil union PENGASSAN; noted lawyer and leader of the National Conscience Party (NCP), Chief Gani Fawehinmi, as well as the director of operations for the NCP, Femi Aborisade; and the president of the National Association of Democratic Lawyers, Femi Falana. All those convicted

in 1995 of participation in an alleged coup plot, including former President Olusegun Obasanjo, remain in custody, although their trial also failed to meet international standards and little evidence appears to exist that a coup was ever planned. Detainees and prisoners in Nigeria are subjected to inhuman and degrading treatment and denial of appropriate medical care, while the Government has routinely disregarded orders to produce detainees in court.

7. The trial of a further 19 Ogoni activists is due to begin in Nigeria shortly, again before a special tribunal which can be expected to violate human rights standards. Human Rights Watch is concerned that these activists may also be executed, and that other violations will continue unabated unless it is made clear to the Government that serious international consequences will result if it continues to flout international opinion. For that reason, we are calling on the Commission on Human Rights to pass a strong resolution condemning violations of human rights in Nigeria, calling on the Government to take action to halt these abuses and calling on the Security Council to take further measures to impose sanctions on the military regime. In addition, we call for the appointment of a special rapporteur on Nigeria, and believe that Nigeria should be placed on the Commission's agenda until significant improvements in respect for human rights are shown.

Sudan

8. The overall human rights situation in the Sudan has changed very little since the last session of the Commission on Human Rights. The parts of the country not directly affected by the war also live under a state of emergency decreed at the time of the coup in 1989 in which the democratically elected government was overthrown; speech, assembly, association, movement and other basic rights are denied within a framework of law that permits prolonged arbitrary detention, no due process, and torture and mistreatment for the thousands of people the security forces and the military detain yearly, suspected of being enemies of the current Government. The war in the south, now in its thirteenth year, is wreaking havoc on the lives of ordinary southerners who are constantly subject to displacement, disease and hunger as the front lines shift and change. Their suffering is caused in large part by violations of humanitarian law that forbids targeting civilians and destruction and looting of civilian property. They have paid a heavy price: over 1 million are said to have perished as a direct or indirect result of the conflict in the 10 years from 1983 to 1993. The war, briefly halted by a cease-fire for four months in 1995 at the request of former United States President Jimmy Carter to permit health workers to address endemic diseases of guinea worm and river blindness, broke out again with a fury in October 1995 as the Sudan People's Liberation Movement/Army (SPLM/A) scored some gains and recaptured substantial territory it had lost to the Government in 1991-1992. The two main factions of the rebel movement, the SPLM/A and the South Sudan Independence Movement/Army (SSIM/A), continued to fight each other even after they reached a cease-fire agreement, and splinters from the SSIM/A caused even more fighting. Last year in its resolution 1995/77 the Commission on Human Rights recommended that its Special Rapporteur on the situation of human rights in the Sudan consult with the Secretary-General on modalities leading to the placement of monitors in such locations as would facilitate improved information flow and assessment and would help the independent

verification of reports on the situation of human rights in the Sudan. This is particularly important because the Government of the Sudan refuses to let the Special Rapporteur enter the country to investigate the human rights situation. Human Rights Watch has supported the idea of the placement of human rights monitors inside and outside the Sudan since 1994. We understand that the Special Rapporteur has identified three locations, one each in Uganda, Kenya and Eritrea, and secured the agreement of the United Nations agencies operating there, for the placement of three human rights monitors. But the funding for this vital project, of so much importance to bring pressure on the parties to the war to stop their abuse of civilians, has not been forthcoming. We therefore urge the Commission to move promptly to seek special earmarked funding for the placement of three human rights monitors according to the Special Rapporteur's plan.

Uzbekistan

9. Except for a brief flourishing of freedoms at the height of the "Gorbachev thaw" in the late 1980s and a few other exceptions, such as freedom of religion, the Republic of Uzbekistan has made no progress toward shedding the abusive practices it implemented during the highly repressive Soviet era.

10. Basic human rights are brutally repressed: public rallies, some newspapers and genuine opposition political parties are banned. The Government successfully eliminated the political opposition that arose in the Gorbachev period and has made State-sponsored terror so pervasive that any potential dissent has been rendered impossible. The primary targets of government repression are peaceful dissenters, leaders of the independent Islamic community and human rights monitors. They suffer arrest, often on falsified drug and weapons charges, arbitrary detention, beatings and kidnapping, constant threats and surveillance, and blacklisting that keeps even released political prisoners living on the brink of poverty and effectively unable to continue their dissident activities.

11. The small human rights community has been repressed, and the only functioning, indigenous, non-governmental monitoring group was refused government registration. Police brutality is common, particularly during the arrest and investigation stages.

12. Despite allowing many manifestations of public piety, the Government has launched an alarming crackdown against adherents of "independent", as opposed to State-sponsored, Islam, who are perceived as less than loyal to the Government. It has resulted in numerous arrests, arbitrary detentions, at least three "disappearances after detention", and numerous politically discriminatory firings of clergy from mosques.

13. Since the fall of 1994, the Government has taken numerous steps towards improving its international image as a serious abuser of human rights. Among other things, it adopted a constitution enshrining basic rights and acceded to some international human rights covenants. It has established the Office of Human Rights Ombudsman, although it has not yet adopted the concomitant legal base for that office; it has lifted the nearly three-year ban on visits from

Human Rights Watch; and has allowed the Organization for Security and Cooperation in Europe to open a permanent regional liaison office in its capital.

14. However, the Government has manipulated the sudden influx of international human rights observers to win ill-deserved approval for its human rights record. After inviting Human Rights Watch to Uzbekistan, for instance, the Government broadcast images of Human Rights Watch's delegates dubbed with falsified commentary that the organization had not found any evidence to support reports of abuse in the country - a text entirely at odds with the delegation's actual message and findings. Such manipulation reveals a disappointing degree of cynicism and bodes ill for the country's ability to implement lasting reform.

15. Human Rights Watch calls on the Commission on Human Rights formally to express concern about the repressive practices in Uzbekistan. We also urge the Working Group on Arbitrary Detention, the Special Rapporteur on the rights to freedom of opinion and expression, and the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment to conduct investigations and report to the Commission on Human Rights at its fifty-third session.